

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8229 OF 2004

Sarla Polyester Limited

.. Petitioner

v/s.

Union of India & anr.

.. Respondents

Mr.Shyam Diwan with Mr.Anupam Dighe i/by M/s.DSK
Legal for petitioner.

Mr. S.S.Pakale with Mr.Y.S.Bhate for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 8th October, 2004

P.C.

Heard.

2. The grievance of the petitioner in this writ petition is non-issuance of the procurement certificate by the respondent No.2 in respect of the consignments of the imported goods listed in Exhibits 'A1' and 'A2'.

3. From the available material before us, the learned counsel for the petitioner could not satisfy us that an appropriate application for issuance of the said procurement certificate as per and in accord with the relevant rules viz. Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 1996 has been made.

4. Confronted with this difficulty, the learned counsel for the petitioner submits that within three days from today, the petitioner shall make an appropriate application to the respondent No.2 for issuance of the procurement certificate in respect of the consignments referred to in Exhibit 'A1' and Exhibit 'A2'.

5. Mr.S.S.Pakale, the learned counsel for the respondents submits that if an appropriate application is made by the petitioner within three days from today for the purpose noticed above, the respondent No.2 shall take decision thereon as expeditiously as possible.

6. In the light of the submissions made by the learned counsel for the parties, we are satisfied that the writ petition may be disposed of by the following order:-

- (i) The petitioner may make an appropriate application to the respondent No.2 for issuance of procurement certificate concerning the consignments, details of which have been given in Exhibits 'A1' and 'A2' within three days from today.

(ii) The respondent No.2 shall take decision on the said application so made by the petitioner as expeditiously as possible but in no case later than two weeks from the date of receipt of such application.

(iii) We observe that in case the respondent No.2 is not inclined to issue the procurement certificate as applied for by the petitioner, such order shall be a reasoned order.

(iv) Needless to say, all contentions raised by the petitioner in the writ petition are kept open to be canvassed before the respondent No.2.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)